

REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested in view of the foregoing amendments and the following remarks. Claims 1-70 are currently pending. Claims 1-29 correspond to the species elected in response to previous election requirements. Claims 30-63 have been withdrawn from consideration. Claims 1, 38, and 39 are amended. Claims 64-70 have been added to recite additional features of the present invention. No new matter is added. Claim 10 is cancelled without prejudice to the recited subject matter.

Support for the amendment of claim 1, and new claims 64-70, can be found, *inter alia*, in original claim 10, and in paragraphs [0045] and [0056]. Dependent claims 38 and 39 are amended to correct erroneous references to an independent claim.

Claim Rejections under 35 U.S.C. § 102

Claims 1-13 and 17-29 were rejected under 35 U.S.C. § 102(b) as being anticipated by Narumiya et al. (US 6,217,928). Applicant respectfully traverses this rejection for reasons that follow.

Claim 1, as amended, claims a method of freezing food for later thawing and use, including steps of packing the food product in a sealed container for freezing, cooling the food product substantially throughout its bulk to about 10°C to 0°C in about 1 to 10 minutes, and cooling the food product substantially throughout its bulk to about 0°C to -10°C in about 10 to 40 minutes.

Claim 17 claims a method of freezing a food product, including steps of packaging a food product to be frozen after a temperature of the food product reaches a first predetermined temperature, cooling the food product until the temperature of the food product reaches a second

predetermined temperature, cooling the food product so that the temperature of the food product decreases from the second predetermined temperature to a third predetermined temperature within a first predetermined period of time.

In contrast, Narumiya teaches that food to be frozen is prepared at “normal temperature” and placed in a vessel which is “open at the top” and which is then put into a batch type freezer. See col. 9, lines 41-50; fig. 6. Once the food is frozen, Narumiya teaches the use of sealed bags. See, e.g., col. 11, lines 22-23. Because Narumiya does not teach a step of “packing the food product in a sealed container for freezing,” which is found in amended independent claim 1 and dependent claims 2-9 and 11-13, and does not teach a step of “packaging a food product to be frozen after a temperature of said food product reaches a first predetermined temperature,” which is found in independent claim 17 and dependent claims 18-29, Applicant respectfully submits that the subject matter of these claims is allowable and that the rejection should be withdrawn.

Claim Rejections under 35 U.S.C. § 103

Claims 14 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Narumiya in view of Grewar (US 4,325,221). Applicant respectfully traverses this rejection for reasons that follow.

Claims 14 and 16 depend on amended claim 1 through intermediate claims. As noted above, Narumiya does not disclose a step of “packing the food product in a sealed container for freezing” as recited in claim 1 (and therefore a required step of claims 14 and 16). Grewar, which discloses a method of freezing an animal carcass by spraying it with liquid nitrogen or liquid carbon dioxide, does not remedy this deficiency of Narumiya. Accordingly, claims 14 and 16 are allowable and withdrawal of the rejection is respectfully requested.

The Office Action further states that claims 14 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Narumiya in view of Lamb (US 4,399,667). However, the Office Action recites language from claim 15. It is therefore the Applicant's understanding that the Examiner meant to state that claim 15 was rejected. Applicant respectfully traverses this rejection for reasons that follow.

Claim 15 depends on allowable claim 1 through intermediate claim 12. Because Grewar does not correct the deficiencies of Narumiya, discussed above, claim 15 is allowable at least for the reason of its dependency upon allowable claim 1. Furthermore claim 15 recites "controlling an incident angle between dry ice in said freezer and a circulation of air within said freezer." Lamb, which relates to an apparatus for keeping aircraft meals chilled, discloses that fans are "positioned at an angle." However, nothing in Lamb teaches, suggests, or motivates one to control an incident angle as recited. Therefore, claim 15 is also allowable for this additional independent reason and the Applicant respectfully requests that the rejection be withdrawn.

New claims 64-66, which depend from independent claim 1, and new claims 67-70, which depend from independent claim 17, are allowable for at least the reasons set forth above in connection with claims 1 and 17.

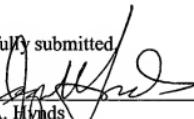
CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that each of the presently pending claims in this application is in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of claims and to pass this application to issue. If it is determined that a further telephone conference with the undersigned would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event that this response is not timely filed, Applicant hereby petitions for an appropriate extension of time and requests that the corresponding fee be charged to Deposit Account No. 02-2135.

The Commissioner is hereby authorized to charge any fees and to credit any overpayments that may be required by this paper under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account No. 02-2135.

By

Respectfully submitted,


Joseph A. Hinds
Attorney for Applicants
Registration No. 34,627
ROTHWELL, FIGG, ERNST & MANBECK, p.c.
Suite 800, 1425 K Street, N.W.
Washington, D.C. 20005
Telephone: (202)783-6040